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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/804,331	03/19/2004	Jonathan F. Smith	9368.5

20792  
 MYERS BIGEL SIBLEY & SAJOVEC  
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CONFIRMATION NO. 7017  
 FORMALITIES  
 LETTER

Date Mailed: 03/05/2007

# **NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

To Download Patent Software, visit <http://www.uspto.gov/web/patents/software.htm>

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
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Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or

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RP

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Attorney Docket No. 9368-5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Smith et al.

Serial No.: 10/804,331

Filed: March 19, 2004

For: **ALPHAVIRUS REPLICONS AND HELPER CONSTRUCTS**

Confirmation No.: 7017

Group Art Unit: 1648

Date: March 28, 2007

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**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

Sir:

In response to the Notice to Comply issued March 5, 2007 regarding the above-referenced patent application, enclosed are:

- 1) a paper copy of the Sequence Listing;
- 2.) a computer readable copy of the Sequence Listing on diskette, and
- 3) a Statement in Support of Sequence Listing; and
- 4.) a copy of the Notice

It is respectfully requested that the specification of this application be amended to incorporate this paper copy of the Sequence Listing after the last page of the specification.

No fees are believed to be due with this response. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

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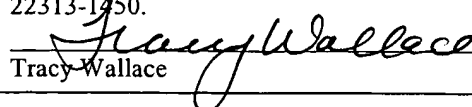
CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR

1.10

**"Express Mail" mailing label number: EV887527792US**

Date of Deposit: March 28, 2007

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Tracy Wallace